

SENATE BILL 276
By Harper

AN ACT to amend Tennessee Code Annotated, Title 56,
Chapter 7, Part 25, relative to insurance coverage
for mastectomies and lumpectomies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by
inserting the following as a new, appropriately designated section:

(a) Any individual, franchise, blanket or group health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance organization, or managed care organization that provides coverage for mastectomy surgery must also provide coverage for lumpectomy surgery, as an alternative treatment to mastectomy surgery, where lumpectomy surgery is approved by the patient's treating physician as an appropriate alternative treatment for that patient.

(b) In the event that the patient's treating physician does not find that lumpectomy surgery is an appropriate alternative treatment in a particular case, then coverage must be provided for the patient to seek one (1) second opinion on whether lumpectomy surgery is an appropriate alternative treatment for the patient.

(c) Coverage for lumpectomy surgery as an alternative to mastectomy surgery and coverage of a second opinion to determine whether lumpectomy surgery is appropriate shall be subject to applicable copayments, coinsurance and deductibles.

(d) This section shall apply to any policy, plan, or contract entered into, delivered, issued for delivery, amended or renewed on or after January 1, 2006.

(e) Nothing in this section shall be construed to prohibit any insurer from providing medical benefits greater than or more favorable to the insured than the benefits established pursuant to this section.

(f) The provisions of this section shall not apply to contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or governmental plans, including the TennCare program.

SECTION 2. This act shall take effect January 1, 2006, the public welfare requiring it.